

# SENATE BILL REPORT

## SB 5075

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As Reported By Senate Committee On:  
Water, Energy & Telecommunications, February 28, 2007

**Title:** An act relating to outdoor burning.

**Brief Description:** Authorizing outdoor burning within an urban growth area to protect life or property from a fire hazard.

**Sponsors:** Senators Honeyford, Rasmussen, Hewitt, Clements, Schoesler, Roach and Parlette.

**Brief History:**

**Committee Activity:** Water, Energy & Telecommunications: 2/02/07, 2/28/07 [DPS, w/oRec].

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### SENATE COMMITTEE ON WATER, ENERGY & TELECOMMUNICATIONS

**Majority Report:** That Substitute Senate Bill No. 5075 be substituted therefor, and the substitute bill do pass.

Signed by Senators Honeyford, Ranking Minority Member; Delvin, Fraser, Holmquist, Marr, Morton and Regala.

**Minority Report:** That it be referred without recommendation.

Signed by Senator Oemig.

**Staff:** Scott Boettcher (786-7416)

**Background:** Outdoor burning is burning of household yard waste, such as leaves, grass, brush and other yard trimmings. It is also burning to clear land of trees, stumps, shrubbery, or other natural vegetation. Currently, outdoor burning is prohibited in all urban growth areas of the state.

However, certain types of burning are allowed within urban growth areas, as permitted by the Departments of Natural Resources and Ecology or the regional Air Pollution Control Agency to manage storm or flood related debris, or for ongoing agricultural activities where outdoor burning is a normal, necessary and customary activity. These activities are not allowed during air quality episodes.

**Summary of Bill:** Outdoor burning of cut brush or timber is allowed within an urban growth area, except during an air quality episode or when there has been a determination of impaired air quality. The local fire official must determine that burning is an appropriate method to protect life or property from a fire hazard.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**EFFECT OF CHANGES MADE BY RECOMMENDED SUBSTITUTE AS PASSED COMMITTEE (Water, Energy & Telecommunications):** Outdoor burning is allowed within an urban growth area in rural counties to protect life or property from a fire hazard as determined by a federal, state, or local fire official, unless the area is in nonattainment or maintenance for federal air quality standards, there is an air quality episode, or alternative disposal methods are available at a reasonable cost.

If burning is determined appropriate, the burn permitting entity must issue a permit, but may require fire containment and weather related restrictions.

Local fire districts making a fire hazard determination or issuing burn permits may charge a fee of up to \$35. Other entities issuing a site specific burning permit may collect a fee not to exceed five dollars.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: We need the ability to protect homes in small communities within the urban growth area from forest fires. Forest fires are costly and create terrible air quality issues.

OTHER: Air pollution has an adverse effect on people's health. People with asthma, and heart and lung disease are at increased risk from poor air quality. Protecting people's homes is an important issue. This bill is overly broad and could allow burning in large cities, potentially exposing many people to the harmful effects of smoke. It allows blanket permission instead of individual permits and it is silent on permit conditions and issuances.

Cities with populations less than 5,000 are no longer permitted to burn outdoors. We need to identify small communities to allow them to burn when there are no other cost effective alternatives. It is important to find viable cost effective alternatives. Until then, allow outdoor burning through best management practices. These best management practices should be reviewed and overseen by the Department of Ecology for use until cost effective alternatives are found.

**Persons Testifying:** PRO: Senator Honeyford, prime sponsor; Paul Pearce, Skamania County Commissioner.

OTHER: Rob Duff, Department of Health; Marshall Taylor, Department of Ecology; Richard Stedman, Olympic Regional Clean Air Agency; Marcia Fromhold, Puget Sound Clean Air Agency; Eric Johnson, Washington Association Counties; Dave Williams, Association of Washington Cities; Steve Jenkins, Mayor of Bridgeport; Ron Draggoo, Douglas County Solid Waste.